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10/519,886	12/30/2004	Jurgen Bohm	PC10467US	2731
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RATNERPRESTIA			OLSEN, LIN B	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/519,886

## Applicant(s)

BOHM, JURGEN

## Examiner

LIN B. OLSEN

## Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 JUNE, 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 JUNE 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

#### **Specification**

The replacement paragraph starting at line 21 of page 9 is acceptable. The paragraph has been replaced.

#### **Drawings**

The drawings were received on June 19, 2008. These drawings are acceptable.

#### **Claims**

The amendments to the claims have been entered.

Claims 13-21 and 23-24 are pending in the application.

#### ***Allowable Subject Matter***

The indicated allowability of claims 20-22 is withdrawn in view of the newly articulated rejections under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs. Rejections based 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs follow.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-21 are rejected under 35 USC 112(1) as being broader than what is enabled by applicant's specification because they do not recite any steps of the method.

Thus, these claims cover any possible method capable of performing the claimed function. It is well established that there must be a reasonable correlation between the scope of the exclusive right granted to a patent applicant and the scope of enablement set forth in the patent application. *Ex parte Maizel*, 27 USPQ2d 1662, 1665 (BPAI 1992) quoting *In re Fisher*, 166 USPQ 18, 24 (CCPA 1970). There is no correlation between the scope of claims 13-21 and the scope of enablement set forth in the specification because the claims do not recite any steps of the claimed method of steering a vehicle. As a result, the claims cover any possible method for steering a vehicle, including methods not supported by the disclosure. Methods not supported by the disclosure are non-enabled.

See also MPEP 2164.08 which states that "all questions of enablement are evaluated against the claimed subject matter. The focus of the examination inquiry is whether everything within the scope of the claim is enabled." Section 2164.08 further states that "a rejection of a claim under 35 U.S.C. 112 as broader than the enabling disclosure is a first paragraph enablement rejection and not a second paragraph definiteness rejection."

In addition, claims 13-21 are rejected under 35 U.S.C. 112(1) as being single means claims because each claim has a means recitation which does not appear in combination with another recited element of means. See MPEP 2164.08(a).

The following claim 13 drafted by the examiner and considered to distinguish patentably over the art of record in this application and meet the requirements of 35 USC 101 and 112, is presented to the applicant for consideration:

13. A method of steering a vehicle with a superimposed steering system comprising:

inputting a steering angle by the driver;

determining an additional steering angle wherein the additional steering angle can override the input steering angle according to further quantities, through an electric motor;

providing a steering angle control with a subordinated current or torque control of the electric motor;

executing an anticipatory control of a nominal speed of the motor  $\omega_{M, \text{nominal}}$ , determined from a motor speed specification  $\omega_{M, \text{spec}}$  and a motor speed preset value  $\omega_{M, \text{reg}}$ , by:

determining the motor speed preset value  $\omega_{M, \text{reg}}$  by

comparing a nominal steering angle value  $\delta_{L, \text{nominal}}$  and a determined actual steering angle value  $\delta_{L, \text{Actual}}$ , and

determining the motor speed specification  $\omega_{M, \text{spec}}$  from the time derivative of the nominal steering angle value  $\delta_{L, \text{nominal}}$  and the driver's steering angle  $\delta_H$  and a gear ratio factor  $i_{1,2}$  by means of the following formula:

$$\omega_{M,spec} = (\delta_{L,nominal}^* - I_{L1} \delta_H^* / I_{L2})$$

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that applicant is mixing statutory classes of invention to a machine and a process implemented with the machine. A "system" is not a statutory class of invention set forth in 35 USC 101. It is suggested that applicant amend his claims to clearly set forth which statutory class of invention the claim is drawn to. The examiner has determined that the claims are drawn to a machine and the "method" steps claimed are intended to be "a computer executing computer program instructions". See proposed language set forth below. Appropriate correction or explanation is required.

The following claim 23 drafted by the examiner and considered to distinguish patentably over the art of record in this application and meet the requirements of 35 USC 101 and 112, is presented to applicant for consideration:

23. A system comprising an electric motor operating under a computer executing computer program instructions encoded on a controller:

the system operable to implement the instructions that steer a vehicle with a superimposed steering system, wherein a steering angle input by a driver and an additional steering angle is determined and wherein the additional steering angle can override the input steering angle according to further quantities, through an electric motor,

wherein the system includes a steering angle control with a subordinated current or torque control of the electric motor, and where an anticipatory control of the nominal speed of the motor  $\omega_{M,nominal}$  is executed in the computer program instructions, the nominal speed of the motor is determined from a motor speed specification  $\omega_{M,spec}$  and a motor speed present value  $\omega_{M,reg}$  and the motor speed preset value  $\omega_{M,reg}$  is determined on the basis of a comparison between the nominal steering angle value  $\delta_{L,nominal}$  and a determined actual steering angle  $\delta_{L,Actual}$ , and the motor speed specification  $\omega_{M,spec}$  is determined from the time derivative of the nominal steering angle  $\delta_{L,nominal}$  and the drivers steering angle  $\delta_H$  and a gear ratio factor  $I_{L2}$  using the following formula:

$$\omega_{M,spec} = (\dot{\delta}_{L,nominal} - I_{L1} \dot{\delta}_H / I_{L2})$$

### ***Claim Objections***

Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The claim is of improper mixed statutory classes. Applicant is required to cancel the claim(s), or

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amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The examiner suggests that the objection could be overcome if the claim were amended to claim a computer executing the instructions set forth in the method as claimed in any one of the claims 13-21.

***Allowable Subject Matter***

Claim 13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

Claim 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 14-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 24 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The reason for indicating allowable subject matter is detailed in a prior office action.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN B. OLSEN whose telephone number is (571)272-9754. The examiner can normally be reached on Mon - Fri, 8:30 -5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin B Olsen/  
Examiner, Art Unit 3661  
/Thomas G. Black/  
Supervisory Patent Examiner, Art Unit 3661